

REMARKS**Summary of the Office Action**

Claims 9 and 10 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 1, 2, 4-8, 9, and 11 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claims 3 and 12 are allowed.

Summary of the Response to the Office Action

Applicants have amended each of independent claims 9 and 10 to improve their form. Accordingly, claims 1-12 remain currently pending for consideration.

Rejections under 35 U.S.C. § 101

Claims 9 and 10 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 9 and 10 have been newly-amended in accordance with Examiner Faulk's helpful suggestions provided at section 3 of the Office Action at pages 2-3. Accordingly, claims 9 and 10, as newly-amended, fully comply with 35 U.S.C. § 101. Withdrawal of the rejections under 35 U.S.C. § 101 is thus respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1, 2, 4-8, 9, and 11 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. At page 3 of the Office Action,

Examiner Faulk alleges that “[c]laims 1, 9, and 11 recite ‘...to estimate a relative level of the signal component in each variable-level band on the basis of a level of the signal component in the fixed level band in the target frequency characteristic...’.” Examiner Faulk goes on to allege that “[t]he specification is not enabling as to how this is done.”

Applicants respectfully traverse such an assertion because the specification of the instant application fully and clearly describes these features. Particular examples of such teachings in the instant application’s specification will now be discussed.

Page 8, lines 21-23, for example, of the instant application’s specification discloses that “[t]he estimation means is configured to estimate a relative level of a signal component in each variable-level band on the basis of a signal component in the fixed-level band of the target frequency characteristic.”

Also, page 9, line 36 to page 10, line 8, for example, of the instant application’s specification discloses that “[t]he estimation means relatively estimates a level of a signal component in each of the variable-level bands on the basis of a level of a signal component in the fixed-level band of the target frequency characteristic F1. For instance, when taking a level of the signal component at a frequency of 1 kHz in the target frequency characteristic F1, the estimation means estimates the signal component at a frequency of 250 Hz as a relative level of +1 dB, at a frequency of 4 kHz as a relative level of +8 dB, respectively.”

Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, first paragraph is respectfully requested. To the extent that such rejections might be maintained, Examiner Faulk is respectfully requested to provide specific details as to why she believes that one having ordinary skill in this subject art would not be able to make and/or use the invention described in

claims 1, 9 and 11 in light of the specific portions of the disclosure of the instant application referred to in the foregoing discussion.

CONCLUSION

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP



Dated: December 27, 2007

By:

Paul A. Fournier
Reg. No. 41,023

Customer No. 055694

DRINKER BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465